

REMARKS

The applicant respectfully requests reconsideration in view of the amendment and the following remarks. Support for amended claim 11 can be found in the published application (US 2006/0173086) in paragraph no. [0018]. In claims 16 and 19, the applicant has corrected the obvious typographical error with respect to dependencies. Support for newly added claim 22 can be found in the original claim 1 and in paragraph nos. [0016] and [0018]. Paragraph no. [0016] refers to the “non-solvent being in liquid form”. Support for newly added claims 23-26 can be found in the original claims.

Claim 19 is rejected under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 17 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 13 of copending Application No. 10/564,589. Claims 11, 12, 16 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by 2003/0119925 (Vandenhende). Claims 13-15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vandenhende. Claim 17 is further rejected under 35 U.S.C. 103(a) as being unpatentable over Vandenhende in view of US Patent No. 4,146,499 (Rosano). The applicant respectfully traverses these rejections.

Rejection of Claim 19

Claim 19 is rejected under 35 U.S.C. 112, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant has amended 19. The applicant believes that claim 19 as amended is in compliance with 35 USC 112. For the above reasons, this rejection should be withdrawn.

Rejection of Claim 17

Claim 17 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 13 of copending Application No. 10/564,589. Claim 17 is further rejected under 35 U.S.C. 103(a) as being unpatentable over Vandenhende in view of Rosano. In order to expedite prosecution the applicant has cancelled this claim. For the above reasons, these rejections should be withdrawn.

Rejections over Vandenhende

Claims 11, 12, 16 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by 2003/0119925 (Vandenhende). Claims 13-15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vandenhende. WO 01/70865 is in the family of Vandenhende which is cited in paragraph nos. 3, 36 and 39 of the published application.

This invention was discovered in part based on the problems of Vandenhende (process entails a high energy cost which is linked to the quantity of vapour employed (see paragraph no. 3 of the applicant's published application)).

In the applicant's invention, the non-solvent is first introduced in the polymer solution in liquid form and this in a quantity Q' as defined; and that afterwards, the non-solvent is introduced predominantly in the form of vapor. This feature gives the advantage that the process requires less vapor when compared to the one of Vandenhende since vapor is only used when it is required (during and after phase inversion): see § [0005] and [0006] of the application. Hence, the novel process is less energy consuming.

This feature is not taught by Vandenhende, who only teaches that non-solvent can be introduced both in liquid and gaseous form, as acknowledged by the Examiner by the way (see paragraph no. 8 on page 4 of the Action and paragraph no. [0024] of Vandenhende). Vandenhende does not teach to first use liquid, and then predominantly vapor as in the present invention (see independent claims 11 and 22).

In that regard, the applicant does not agree with the Examiner's statements in paragraph no. 18 of the Office Action (determination of the optimum or workable ranges of that parameter may be characterized by routine experimentation). The fact of switching from liquid to vapor at a given point is a result-effective parameter (see above). This is described in paragraph no. [0016] of the applicant's published application.

In fact, the very notion of Q and Q' was not obvious in view of Vandenhende since Vandenhende did not identify phase inversion as a critical phenomenon (during and after which, according to the present invention, vapor must be used, while before, liquid can do the job and is less energy consuming). For the above reasons, these rejections should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 05129-00116-US from which the undersigned is authorized to draw.

Dated: September 25, 2008

Respectfully submitted,

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